

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD**  
**Thursday, September 22, 2011**  
**Regular Meeting – 6:30 p.m.**

**CHARLES UNSWORTH**  
Chair

**MICHAEL TOERGE**  
Vice Chair

**BRADLEY HILLGREN**  
Secretary

**ROBERT HAWKINS**

**FRED AMERI**

**KORY KRAMER**

**JAY MYERS**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

**KIMBERLY BRANDT, Community Development Director**

**JAMES CAMPBELL, Principal Planner**

**LEONIE MULVIHILL, Assistant City Attorney**

**GREGG RAMIREZ, Acting Planning Manager**

**TONY BRINE, City Traffic Engineer**

**MAKANA NOVA, Assistant Planner**

**BENJAMIN M. ZDEBA, Planning Technician**

**ROSALINH UNG, Associate Planner**

**MARLENE BURNS, Administrative Assistant**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, September 22, 2011**  
**REGULAR MEETING**  
**6:30 p.m.**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.*

- E. REQUEST FOR CONTINUANCES**
- F. CONSENT ITEMS**

**ITEM NO. 1** Minutes of August 4, 2011

**ACTION:** Approve and file.

**ITEM NO. 2** Minutes of August 18, 2011

**ACTION:** Approve and file.

**G. PUBLIC HEARING ITEMS**

**ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS.** (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

**ITEM NO. 3** Nguyen Residence Site Development Review (PA2011-129)  
1401 Dolphin Terrace

**SUMMARY:** A site development review to allow for the construction of 16 caissons for safety and slope stability for an existing single-family house and accessory structures. The project would allow the proposed caissons to encroach a maximum 15 feet into Development Area C.

**CEQA**

**COMPLIANCE:** The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

The proposed development involves the construction of accessory caissons for the existing single-family residence within Development Area C of the Bluff Overlay District. Therefore, the proposed project qualifies for an exemption under Class 3.

- ACTION:**
- 1) Conduct public hearing; and
  - 2) Approve Site Development Review No. SD2011-001, to allow the proposed caissons, subject to the findings and conditions of approval in the draft resolution.

**ITEM NO. 4**                      Alternative Setback Determination (PA2011-149)  
1400 East Ocean Front

**SUMMARY:**                      The applicant is requesting an alternative setback determination for property located at 1400 East Ocean Front to accommodate redevelopment of the site. The applicant is requesting that the following setbacks be established:

- Front (Along East Ocean Front) – 10 feet
- Sides – 3 feet
- Rear (Opposite East Ocean Front) – 3 feet

**CEQA COMPLIANCE:**                      The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The alternative setback determination does not constitute a major change which would require environmental review.

- ACTION:**
- 1) Conduct public hearing; and
  - 2) Approve Alternative Setback No. SA2011-019 with the attached Alternative Setback Determination letter.

**ITEM NO. 5**                      MacArthur at Dolphin-Striker (PA2010-135)  
4221 Dolphin-Striker Way

**SUMMARY:**                      The applicant proposes a planned community development plan amendment to allow the construction of two, single-story commercial buildings of 13,525 square feet total.

The following approvals are requested or required in order to implement the project as proposed:

1. An amendment to the Newport Place (PC-11) Planned Community Development Plan to change the zoning designation of the subject property from “Restaurant Site 1” to “General Commercial Site 8”, pursuant to Chapters 20.56 (Planned Community District Procedures) and 20.66 (Amendments) of the Municipal Code.
2. Transfer of Development Rights to allow the transfer of 48 unbuilt hotel units, which equate to 3,909 square feet of specialty retail, from Hotel Site 2-B (Fletcher Jones Vehicle Storage Facility at 1301 Quail Street) and 1,620 square feet from General Commercial Site 7 (Lexus Dealership at 3901 MacArthur

Boulevard) for a total of 5,529 square feet to the subject site, pursuant to Chapter 20.46 (Transfer of Development Rights) of the Municipal Code.

3. Traffic Study approval pursuant to Chapter 15.40 (Traffic Phasing Ordinance) as the project will generate in excess 300 average daily trips (ADT).

#### **CEQA**

**COMPLIANCE:** The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

#### **ACTION:**

- 1) Receive public comments; and
- 2) Adopt a resolution recommending that the City Council:
  - a. Adopt Mitigated Negative Declaration No. ND2011-001 and Errata, including the Mitigation Monitoring and Reporting Program;
  - b. Find that, based on the weight of the evidence in the administrative record, including Traffic Study No. TS2011-002, that the project complies with the Traffic Phasing Ordinance; and
  - c. Approve Planned Community Text Amendment No. PD2010-007, Transfer of Development Rights No. TD2010-002, Conditional Use Permit No. UP2011-026, and Modification Permit No. MN2011-014; and
  - d. Waiver of the requirement for a Development Agreement

#### **H. NEW BUSINESS**

#### **I. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 6** Community Development Director's report.

**ITEM NO. 7** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM NO. 8** Request for excused absences.

#### **ADJOURNMENT**